

REMARKS

In response to the Office Action mailed on October 2, 2008, Applicants respectfully requests reconsideration. Claims 1, 4-7, 11-15, 19, 22-25, 29, 32-35, 37 and 38 are pending in this Application. Claims 1, 11, 19 and 29 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 11, 19 and 29 have been amended. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 11 and 29 were objected to because of certain informalities. Claims 11 and 19 have been amended to correct the informalities cited by the Examiner. Accordingly, the objection to claims 11 and 29 is believed to have been overcome.

Claims 19, 22-25, 29, 32-35 and 38 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. While Applicants disagree with the Patent Offices view that propagated signals are intangible, nonetheless Applicants have amended claims 19 and 29 to further state that the previously disclosed computer readable medium comprises a physical computer readable storage medium. Accordingly, the rejection of claims 19, 22-25, 29, 32-35 and 38 under 35 U.S.C. §101 is believed to have been overcome.

The Examiner rejected claims 1, 4-6, 11-15, 19, 22-24, 29, 32-33, 35, 37 and 38 under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,449,739 to Landan (hereinafter Landan). Claim 1 recites in part "...identifying a first and second system ...said first system having a different owner than an owner of said target and an owner of said second system.." The Examiner stated that this is shown in Landan, however Landan recites at column 5, lines 23-25 which recites in part "... These host computers ...include computers that are

owned or controlled by the operator of the transactional server...” Thus, Landan is teaching away from the systems having different owners. The advantage of the present claimed invention is that various system owners can sign up and have their system used to test various software components such that the testing occurs from random locations, thereby providing a more real-world testing scenario. Landan allows testing of websites by other system which are commonly owned, and therefore does not provide the same randomness of systems accessing the component being tested.

Further with regard to claim 1, claim 1 states in part the testing of the target include wherein the target is “...an object oriented software component, said object-oriented software component usable to build an application...”. The Examiner stated that Landan also shows this at various locations, however Landan is used to test websites and servers (see column 2, lines 30-33). A website or a server is not the same as an object oriented software component. An object oriented software component can be, for example, an Enterprise Java Bean, which is used with other object-oriented software components to provide an application. A website or a server cannot be considered the same thing as an object-oriented software component usable to build an application. By testing g the object oriented software component, a more detailed test of the application and potential weak components is provided, rather than just testing a website or server in general.

In view of the above, claim 1 is believed allowable over Landan. Claims 11, 19 and 29 contain similar language as claim 1 regarding the systems owned by different owners and the target being an object-oriented software component, and are believed allowable for at least the same reasons as claim 1. Claims 4-6, 112-15, 22-24, 32-33, 35, 37 and 38 depend from claims 1, 11, 19 or 29 and are believed allowable as they depend from a base claim which is believed allowable. Accordingly, the rejection of claims 1, 4-6, 11-15, 19, 22-24, 29, 32-33, 35, 37 and 38 under 35 U.S.C. §102(e) as being anticipated by Landan is believed to have been overcome.

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Claims 7, 25 and 34 were rejected under 35 U.S.C. §103 as being unpatentable over Landan and U.S. Patent NO. 6,684,387 to Acker et al., (hereinafter Acker). Claims 7, 25 and 34 depend from claims 1, 19 or 29 and are believed allowable as they depend from an allowable base claim. Accordingly, the rejection of claims 7, 25 and 34 under 35 U.S.C. §103 as being unpatentable over Landan and Acker is believed to have been overcome.

In view of the above, the Examiner's objections and rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/DWR/

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